



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 7310-00
12 December 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CWO-3 [REDACTED], USMC [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Subject's ltr dtd 13 Oct 00 w/attachments
(2) Memo for record dtd 4 Dec 00
(3) HQMC MMOA-4 memo dtd 2 Nov 00
(4) Memo for record dtd 8 Nov 00

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of chief warrant officer-3 (CWO-3) she would have been assigned had she been selected for promotion to that grade by the Fiscal Year (FY) 2000 CWO-3 Selection Board, vice the FY 2001 CWO-3 Selection Board. Originally, she specifically requested a date of rank and effective date of 1 November 1999, but enclosure (2) reflects she later amended her application to request 1 February 2000.

2. The Board, consisting of Messrs. Cooper, Lightle, and McPartlin, reviewed Petitioner's allegations of error and injustice on 7 December 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner had a prior case (4506-00) before this Board. A copy of her decisional document is found at Tab A to enclosure (1). After she had failed before the FY 2000 CWO-3 Selection Board, the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) directed that two fitness reports be removed from her record. Her failure was later stricken by this Board. She appeared before the FY 2001 CWO-3 Selection

Board with a corrected record and was selected for promotion. She was promoted to CWO-3 with a date of rank and effective date of 1 December 2000.

c. In correspondence attached as enclosure (3), the HQMC Officer Counseling and Evaluation Section, Officer Assignments Branch, Personnel Management Division (MMOA-4), the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. The memorandum for the record at enclosure (4) reflects the HQMC Promotion Branch (MMPR) has advised that had Petitioner been selected by the FY 2000 CWO-3 Selection Board, she would have received a date of rank and effective date of 1 February 2000.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (3) and (4), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show her date of rank and effective date in the grade of CWO-3 as 1 February 2000, vice 1 December 2000; and that her lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.


4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


For W. DEAN PFEIFFER
Executive Director

MEMORANDUM FOR THE RECORD

**DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: DSN 224-9842 OR COMM (703) 614-9842
FAX: DSN 224-9857, COMM (703) 614-9857**

DATE: 4DEC00

DOCKET NO. [REDACTED]

PETITIONER (PET) [REDACTED] USMC

PARTY CALLED: PET

TELEPHONE NUMBER: [REDACTED]

WHAT I SAID: I INFORMED PET THAT HQMC MMPR-1 ADVISED ME THAT HAD SHE BEEN SELECTED BY THE FY-00 USMC CWO-3 SEL BD, HER DOR AND EFF DATE FOR HER PROM TO CWO-3 WOULD HAVE BEEN 1FEB00.

WHAT PARTY SAID: PET AGREED THAT 1FEB00 WAS THE CORRECT DOR AND EFF DATE.

[REDACTED]
[REDACTED]



7310-00

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1600
MMOA-4
02 Nov 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR PETITION FOR CHIEF WARRANT OFFICER [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Chief Warrant Officer [REDACTED]
[REDACTED] USMC of 2 Nov 00

1. Recommend approval of Chief Warrant Officer [REDACTED]'s request for backdating of her date of rank (DOR).
2. Per the reference, we reviewed Chief Warrant Officer [REDACTED]'s record and petition. She failed selection on the FY00 USMC Chief Warrant Officer 3 Selection Board. She successfully petitioned the Performance Evaluation Review Board for removal of the Annual fitness report of 940801 to 950331 and the Change of Reporting Senior fitness report of 950401 to 950620. Subsequently, Chief Warrant Officer 2 [REDACTED] was selected for promotion on the FY01 USMC Chief Warrant Officer 3 Selection Board. She requests backdating of her DOR.
3. In our opinion, the petitioned fitness reports did present jeopardy to the record and removal of the reports enhance the competitiveness of the record. While we recognize the record contains other areas of competitive concern, we believe Chief Warrant Officer 2 [REDACTED] should be afforded the benefit of the doubt and have her DOR backdated.
4. Point of contact is [REDACTED]

[REDACTED]
Lieutenant Colonel, U.S. Marine Corps
Officer Counseling and
Evaluation Section
Officer Assignments Branch
Personnel Management Division

MEMORANDUM FOR THE RECORD

**BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
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WASHINGTON, DC 20370-5100
TELEPHONE: DSN 224-9842 OR COMM (703) 614-9842
FAX: DSN 224-9857, COMM (703) 614-9857**

DATE: 8NOV00

DOCKET NO. [REDACTED]

PETITIONER (PET): [REDACTED] USMC

PARTY CALLED: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

WHAT I SAID: N/A

WHAT PARTY [REDACTED] INFORMED ME THAT PET'S PROJECTED DOR AND EFF DATE AS A CWO-3 WAS 1DEC00, AND THAT HAD SHE BEEN SELECTED BY THE FY-00 USMC CWO-3 SEL BD, SHE WOULD HAVE RECEIVED A DOR AND EFF DATE OF 1FEB00.

[REDACTED]
[REDACTED] GE